

SERVICE DATE - APRIL 5, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 387X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY–  
ABANDONMENT EXEMPTION–IN STEARNS COUNTY, MN

Decided: April 2, 2002

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 4.89-mile line of its railroad between milepost 81.11 near St. Joseph and milepost 86.00 near Collegeville, in Stearns County, MN. Notice of the exemption was served and published in the Federal Register on May 12, 2000 (65 FR 30668). By decision served June 12, 2000, a condition was imposed requiring BNSF to retain its interest in and take no steps to alter the historic integrity of the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

On March 19, 2002, BNSF filed a letter requesting that the historic preservation condition be removed. In support of its request, BNSF attached a letter which indicated that the stipulations that were set forth in the Memorandum of Agreement (MOA) that was negotiated to comply with the section 106 process have been fulfilled.<sup>1</sup> Based upon SEA's review of the information provided and consultation with SHPO, SEA recommends that the historic condition imposed in the June 12, 2000 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.<sup>2</sup>

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>1</sup> The Board's Section of Environmental Analysis (SEA) notes that an SEA staff member consulted with the Minnesota Historical Society (SHPO) and confirmed that the terms of the MOA had been fulfilled.

<sup>2</sup> The June 12 decision also imposed a National Geodetic Survey (NGS) condition that required BNSF to consult with the NGS and provide NGS with at least 90 days' notice prior to disturbing or destroying any geodetic station markers. That condition remains in effect.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the decision served June 12, 2000, is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary